



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/046,784 03/23/98 CARTER

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LM02/0816

EXAMINER

DE LA TORRE, C

ART UNIT

PAPER NUMBER

2773

DATE MAILED:

08/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Advisory Action

Application No.  
**09/046,784**

Applicant(s)  
**Carter**

Examiner  
**Crescelle Dela Torre**

Group Art Unit  
**2773**



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires six months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Jul 7, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on \_\_\_\_\_ has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attachment A

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-23

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

Art Unit: 2773

### ATTACHMENT A

Applicant's Request for Reconsideration, filed on 7/7/2000, has been considered but does not place the application in condition for allowance for the following reasons:

Applicant's primary argument regarding the Borman and Kuzma references is that the combination does not teach "retrieving an attachment from a browsing mechanism and attaching the attachment to an e-mail message". Borman teaches retrieving an attachment from a browser mechanism, using jumper window 300, at Fig. 3. Examiner agrees with applicant that Borman does not particularly teach attaching the attachment to an e-mail message. However, Borman teaches at col. 12, lines 62 - 64, that in one embodiment the "user will be able to invoke the product from within their electronic e-mail box". Examiner also agrees that Kuzma does not teach a browser mechanism. Rather, the Borman reference was used to teach the browser mechanism, while Kuzma was used to teach attaching an attachment to an e-mail message, at col. 1, lines 53 - 63, wherein "an attachment reference comprising the network address of the attachment is supplied to the configurable e-mail page". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the attachment to an e-mail message as taught by Kuzma in the invention of Borman because it allows a user to efficiently transmit e-mail attachments from a sender of a network to a recipient of the network.

*C. de la Torre*

**CRESCELLE N. DELA TORRE**  
**PRIMARY EXAMINER**

8/14/00